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| 1 | | <u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u> | | | |
| 2 | <u>Witnesses:</u> | <u>Direct</u> | <u>Cross</u> | Re- <u>direct</u> | Re- <u>cross</u> By <u>Examiner</u> |
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| 7 | | None. | | | |
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| 10 | | <u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u> | | | |
| 11 | <u>Number</u> | <u>For Identification</u> | | <u>In Evidence</u> | |
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| 15 | | None so marked. | | | |
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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call
3 Docket 02-0349. This is an application by the
4 Department of Transportation of the State of
5 Illinois for the People of the State of Illinois
6 versus Amoco Pipeline Company, its successors
7 and/or assigns (sic), now known as BP Pipelines,
8 North America, Inc., and unknown others.

9 Mr. Felder, would you enter an
10 appearance for the record, please.

11 MR. FELDER: Yes. Douglas G. Felder for the
12 petitioner, Department of Transportation, 20 South
13 Clark Street, Suite 2000, Chicago 60603.

14 JUDGE RILEY: Thank you.

15 And, Ms. Hermeling, would you enter an
16 appearance and spell your last name for the court
17 reporter.

18 MS. HERMELING: Sure. Caroline,
19 C-a-r-o-l-i-n-e, Hermeling, H-e-r-m-e-l-i-n-g,
20 Caroline Hermeling on behalf of BP Products North
21 America, Inc. My address is 190 Crondelat
22 (phonetic), Suite 600, St. Louis, Missouri 63105.

1 JUDGE RILEY: Thank you.

2 And at this point, you had called me
3 just a short time ago and both of you have
4 indicated that you want to continue this matter
5 now?

6 MR. FELDER: Yes, to July 12th, if possible, in
7 the morning.

8 JUDGE RILEY: And what -- can you just bring me
9 up-to-date as to what the status is?

10 MR. FELDER: Yes. We're right now
11 determining -- IDOT and Amoco are determining the
12 extent to which we need this acquisition or whether
13 the project can be constructed without it or a
14 different way that doesn't involve the acquisition
15 of this easement.

16 MS. HERMELING: On behalf of BP, your Honor,
17 our position is that there is an easement which BP
18 has with the land owner which we have uncovered and
19 we actually just faxed to Doug Felder yesterday,
20 and the interest in that easement allows us to
21 maintain the pipeline.

22 While we are okay from the standpoint of

1 the project proceeding, we need to preserve our
2 right to maintain that pipeline. And, therefore, a
3 relocation agreement with a subordination of our
4 interests to their interests to complete this
5 project would be acceptable.

6 However, an option of extinguishment of
7 the easement in exchange for some type of
8 administrative permit would not be acceptable, and
9 that's the issue that needs to be explored as to
10 whether we can get that accomplished.

11 JUDGE RILEY: Now, is July 12 going to be
12 enough time?

13 MR. FELDER: Well, July 12 would be enough time
14 if the answer is we're not going to be required to
15 go forward and it looks like there's a 50/50 chance
16 that that might be where we're at.

17 So that's why I wanted to keep it a
18 short date so we can get back and either say it's
19 done and we can dismiss it or we need to go forward
20 and set a hearing date. Let's go forward from
21 there.

22 JUDGE RILEY: And, Ms. Hermeling, that's your

1 understanding also?

2 MS. HERMELING: Yes.

3 JUDGE RILEY: All right then.

4 If Friday's the day then, I can continue
5 this to July 12th.

6 At 10:00 a.m.?

7 MR. FELDER: That's fine with me.

8 JUDGE RILEY: That all right?

9 MS. HERMELING: That's fine with me, your
10 Honor.

11 JUDGE RILEY: All right.

12 Then I will continue this matter to
13 July 12 at 10:00 a.m. so, and we will determine
14 then whether or not this matter -- do you think
15 it's going to be one or the other?

16 MR. FELDER: Yes.

17 JUDGE RILEY: Okay. You'll know at that time
18 whether or not we're going to go forward to hearing
19 or this matter's going to be dismissed?

20 MR. FELDER: I sure hope so.

21 JUDGE RILEY: It's not likely there's going to
22 be any middle ground.

1 MR. FELDER: No. No, I don't see -- it's going
2 to be we're going forward or we're not, and I hope
3 that we will know by then.

4 JUDGE RILEY: All right then.

5 MR. FELDER: I mean, it's my belief that's
6 enough time. I guess I can't guarantee it.

7 JUDGE RILEY: All right then.

8 I will set this for July 12, 10:00 a.m.
9 That will be a status session. I'll have the
10 clerk's office send out the notice.

11 MR. FELDER: Thank you.

12 JUDGE RILEY: And we'll see where we are on the
13 12th.

14 MR. FELDER: Thank you.

15 JUDGE RILEY: Thank you very much.

16 (Whereupon, said hearing was
17 continued to July 12, 2002
18 at 10:00 a.m.)
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